

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JIMIL BORILLO,

Plaintiff,

v.

LEGAL RECOVERY LAW OFFICES,
INC.,

Defendant.

Case No. 16-CV-05508-LHK

**ORDER ADOPTING REPORT AND
RECOMMENDATION; GRANTING
MOTION FOR DEFAULT JUDGMENT**

Re: Dkt. No. 20

This case is an action for declaratory relief that was referred to Magistrate Judge Howard Lloyd. On November 1, 2016, Plaintiff moved for entry of default against Defendant because Defendant failed to appear or respond to the Complaint. ECF No. 8. On November 3, 2016, the Clerk entered default. ECF No. 9. On February 17, 2017, Plaintiff filed a motion for default judgment. ECF No. 15. Defendant still has not appeared in this case, has not responded to the Complaint, and has not responded to Plaintiffs' motion for default judgment.

On May 5, 2017, Judge Lloyd filed and served a Report and Recommendation, which recommended that the Court enter default judgment against Defendant. *See* ECF No. 20. No

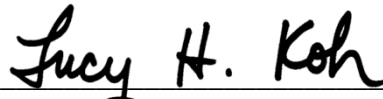
1 objections have been filed, and the time to file objections has expired. *See* Fed. R. Civ. P.
2 72(b)(2).

3 Having reviewed the Report and Recommendation, as well as the record in this case, the
4 Court finds that the Report and Recommendation is well-founded in fact and in law and, therefore,
5 the Court adopts the Report and Recommendation. Plaintiffs' motion for default judgment is
6 GRANTED. Pursuant to Judge Lloyd's Report and Recommendation, the Court hereby enters a
7 total judgment of \$3,992.50 in favor of Plaintiffs as follows:
8

- 9 • Plaintiff is awarded \$750 in statutory damages under the FDCPA;
- 10 • Plaintiff's request for statutory damages under the Rosenthal Act is denied because the
11 complaint does not assert such a claim;
- 12 • Plaintiff is awarded \$2,772.50 in attorney's fees; and
- 13 • Plaintiff is awarded \$470.00 in costs.
14

15 **IT IS SO ORDERED.**

16
17 Dated: May 24, 2017

18 
19 LUCY H. KOH
United States District Judge